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Beyond Illiteracy and Poverty: Theorizing the Rise in Black Women's Incarceration

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Abstract: *This paper explores the impact of poverty and low literacy on the increase in Black women's incarceration. Using critical race theory as a guiding framework, we present the argument that neoliberal policies of welfare reform and crime control laws are primary reasons for the increase. We emphasize gender-responsive strategies in planning programs for low-income, low-literate, and incarcerated women.*

When one analyzes the US data on the imprisoned through race, class, and gender, it becomes clear that women of color, are overrepresented in the prison and jail system. According to Minton and Sabol (2009), female incarceration rates, while still lower than male incarceration rates, have increased 33% since midyear 2000. While a 33% increase in under a decade may seem shocking, this figure seems mild when one learns that women's imprisonment in the United States has seen a 2,800% increase from 1970 to 2001 (Sudbury, 2005), and Black women are the ones most impacted by these staggering statistics. They are incarcerated at a rate of 349 per 100,000, which means they are twice as likely to be incarcerated as Hispanic females (147 per 100,000) and are over 3.5 times more likely to be incarcerated than their White female counterparts (93 per 100,000) (Bureau of Justice Statistics, 2009). Other figures indicate that Black women are actually eight times more likely to be incarcerated than White women (Bloom, Owen, & Covington, 2003). Of Black women in their 30s, 1 in 100 is incarcerated, versus 1 in 265 for all women (Hales, 2009). While only 13% of the female population is African American, they represent 50% of the incarcerated population (Bloom, Owen, & Covington, 2003). The purpose of this paper, therefore, is to examine some of the deeper sociostructural causes of the rapid increase in Black women's incarceration. Since the majority of Black women in prison lived in poverty prior to their incarceration, we used the lens of critical race theory to examine how neoliberal policies guiding welfare reform (Alfred, Butterwick, Hansman, & Sandlin, 2007) and the racism inherent in crime control policy (Bloom, Owen, & Covington, 2003) contribute to Black women's incarceration.

Conceptual Framework: Critical Race Theory

Critical Race Theory (CRT) is built on several basic principles. First, racism is seen as normal and is part of the social fabric of a nation. According to Derrick Bell (1992), "racism is a permanent component of American life" (p. 13). Therefore, CRT examines the relationship among race, racism, and power and is particularly applicable to this exploration because it offers a relevant context for understanding the role of race and class in the incarceration of Black women. The second premise is that the majority group supports advancement for Blacks only when they also advance the causes and interests of the majority group. Delgado and Stefancic (2001) describe this phenomenon as "interest convergence" or material determinism. As they explain, "Because racism advances the interest of both white elites (materially) and working-

class people (psychically), large segments of society have little incentive to eradicate it” (p. 7). For example, because welfare reform policies relegate low-literate adults to low-wage work, CRT makes visible the benefit of such neoliberal policy to the majority White capitalist who set the agenda and the conditions for participation in work organizations. Similarly tough-on-crime policies that send a non-violent female offender to prison for economic crimes have contributed to the massive prison industrial complex (Davis, 1998) that currently exists in the U.S. and serves the material interests of elite White capitalists who profit from such establishments.

The third premise, the “social construction” thesis, assumes that race is a social construction that stems from social thought and social relations. In other words, race is not a fixed construct but “categories that society invents, manipulates, or retires when convenient” (Delgado & Stefancic, 2001, p. 7). Along that premise, CRT is also concerned with how society racializes certain minority groups at different times based on the material needs of the majority group. For example, the racialization of welfare and the prison industrial complex serve to benefit a capitalist society with cheap labor harnessed from inside and outside of the prison system. The fourth tenet of CRT is the discontent with liberalism for addressing the race problems that plague the US and other nations. Liberalism promotes the colorblind concept with the view that race does not matter in the everyday milieu of society and that the same opportunities are available for all (Delgado & Stefancic, 2001). CRT rejects the liberal approach and holds the assumption that individuals do not have the same opportunities and experiences and that encounters with race and racism are experienced differently. From that perspective, CRT recognizes that the playing field is unequal and attempts to address the inequality. Using CRT allowed us to analyze more deeply the observable data—Black women’s poverty, low literacy, incarceration—and situate them within their sociohistorical and structural contexts. Using this framework allowed us to paint a more complete portrait of the underlying factors that contribute to the increased incarceration of Black women.

Profile of Incarcerated Women

Historically, prisons have served as instruments of social control for both men and women. However, women have traditionally entered the criminal justice system for different reasons than have men (Henriques & Manatu-Rupert, 2001; Sudbury, 2005). According to Sudbury, women continue to be incarcerated for “nonviolent survival crimes,” which include sex work, drug couriering, fraud, and embezzlement. Women’s crimes typically fall into two categories namely, drug and property offenses. Their property offenses are often economically driven, motivated by poverty and the abuse of alcohol and drugs (Bloom, Owen, & Covington, 2003). In fact, according to Henriques & Manatu-Rupert (2001), African American women are cited to have the highest incarceration rate for drug-related violations. Moreover, Stuart (1997) noted that African American women make up over 80% of women incarcerated for crack cocaine violations. Where substance abuse violations were once considered misdemeanors, they are now categorized as felony convictions, which carry longer prison terms. Chesney-Lind and Bloom (2005) summarized that the rise in female incarceration is the result of three major policy shifts: the war on drugs, mandatory minimum sentences, and get-tough-on-crime attitude. While the implementation of these policies account for the increase in Black women’s incarceration, many argue that their criminal behavior arises from more complex social problems, which are made visible through the lens of CRT. A closer look at the profiles of those in the criminal justice system indicates that “Women offenders are disproportionately low-income women of color who are undereducated and unskilled, with sporadic employment

histories” (Bloom, Owen, & Covington, 2003, p. 2). They are survivors of physical and sexual abuse, have substance abuse problems, possess multiple physical and mental health problems, and are convicted primarily of drug-related charges (Davis, 1998). Most of them are young single mothers who are likely to be on welfare (Henriques & Manatu-Rupert, 2001). Overall, African American incarcerated women are likely to be low literate and low skilled, thus making them unprepared for employment that pays a living wage.

Literacy Levels of Incarcerated Adults

The 2003 National Assessment of Adult Literacy (NAAL) survey of 1,200 incarcerated adults found that almost no percentage of prisoners were considered proficient in the areas of prose literacy (the ability to read instruction materials, brochures, news stories), document literacy (the ability to read and comprehend job applications, maps, payroll forms, schedules), and quantitative literacy (the ability to balance a check book, figure out a tip, determine interest rate). In the area of prose literacy, the results indicate that 4% of prison men and 1% of prison women demonstrated proficiency compared to 13% of household men and 14% of household women. When surveyed for document literacy, the results indicate that 2% of prison men and 2% of prison women were proficient compared to 13% of household men and 14% of household women. Similarly 2% of prison men and 1% of prison women were proficient in quantitative literacy compared to 16% of household men and 11% of household women. The report also indicates differences between racial categories and showed that 15% of incarcerated Blacks perform below basic category in prose literacy, 19% in document literacy, and 49% in quantitative literacy. Surprisingly, across two literacy categories, incarcerated Blacks perform better than their non-incarcerated household counterparts. For instance, 24% of Blacks living in Households are in the below basic category for prose literacy, 24% in document literacy. In quantitative literacy, 47% of Blacks living in households fall into the below basic category compared to 49% of Blacks living in prison. These figures illuminate the low literacy levels among all Blacks regardless of whether they are incarcerated or not. Not surprisingly, low literacy has been found to be a major contributor to poverty, and poor women with children have historically relied on the welfare state to provide for the well-being of their children. However, this social contract with the welfare state came under attack in the mid-90’s when reformed policies called for welfare-reliant mothers to become economically self-sufficient through a “work-first” approach. Alfred, Butterwick, Hansman, and Sandlin (2007) saw this call for self-reliance as a central characteristic of neoliberal policies that promote individual responsibility and obscure the structural issues that eschew governmental and corporate responsibilities.

Neoliberal Policies, Economic Dependency, and Incarceration

The rise in poverty in the US and around the globe is closely tied to neoliberal policies that developed from the ideology that the “market” should drive all social, political, and economic decisions of a nation (Giroux, 2005). As a result, goods and services that were once set aside to provide a safety net that would allow for justice, equity, and democratic participation of all citizens have come under attack by neoliberal capitalism (Alfred, Butterwick, Hansman, & Sandlin, 2007). Giroux further argues that neoliberal policies and practices have made political and economic power available to a select few, have elevated market needs above social needs, have promoted social needs as unnecessary and wasteful, have diverted public funds away from the ones most in need, and have brought public welfare services under attack. Two such governmental policies that have had the magnitude of effects that Giroux speaks of are welfare

reform and crime control laws. The evidence suggests that both sets of legislation have contributed to Black women's incarceration.

Welfare Reform Policies and Black Women's Incarceration

One of the most profound neoliberal attacks came with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 which changed the culture of welfare from a system of governmental support to one of personal responsibility and self-sufficiency. This legislation reveals different forms of social support agendas, as welfare seeks to reduce eligibility, reduce welfare caseloads, and actively direct recipients away from governmental dependence to economic independence through any available work. The new rules increased pressure on welfare-reliant mothers to attach themselves to the workplace by imposing a five-year lifetime limit on receiving federal welfare benefits (and permitting states to impose even shorter time limits), penalizing states that have too few recipients in the workplace, and requiring recipients to participate in work activities within two years. The philosophy of the new welfare emphasized personal responsibility and economic self-sufficiency through workplace participation. Moreover, research on the impact of welfare reform on racial minorities finds that Black and Hispanic recipients tend to have longer stays on welfare and are, therefore, more likely to be affected by time limits (Savner, 2000). In addition, Savner found Whites to be more likely to leave welfare because of employment; whereas, African Americans were more likely to be sanctioned off the welfare rolls. Similarly, Holzer and Stoll (2000) and Jacobson and Green (2000) found that White recipients were more likely to find employment and Carroll (2001) found that they received more favorable treatment from welfare agency workers. Through the lenses of critical race theory, one can see how race intersects with gender and poverty to inform the experiences of African American women living at the margins of society. For example, in a study of African American welfare recipients and their employers, Alfred (2007) reported that the employers agreed that racism was a major barrier to Black women's transition from welfare. Alfred quoted an employer as saying,

There is certainly discrimination that happens in the employment sector. There is racial profile that people categorize in Wauwatosa and out to Waukesha to get jobs. There is racial profiling when you drive to Grafton. So those are certainly special barriers. There is discrimination in the bordering counties. If you are a white person going out to apply and a black person going out there applying, the cards are stacked in the favor of the white person. (p. 302)

Based on this finding and those drawn from previous studies, racism is a major barrier to Black women's employment opportunities. Forced to separate from the welfare system and with little promise of sustainable work, some women turn to criminal activities for survival. For example, in a study of African American mothers transitioning from welfare dependency, one participant reported as follows:

The system is painting a rosy picture that it is getting people in jobs, but that is not all that it is doing. The W-2 system is not what they are saying it is. They are not saying that we have people out there who are killing themselves, that are homeless, or haven't eaten; W-2 has forced women into prostitution, drug trafficking, and drug abuse. . . . They are not talking about the horrors of the system. They are only talking about how many people they got off welfare. They are not talking about where these people are. . . . Before they can talk about how successful the program is, they need to go out and find these people

who are no longer in the system, and they will know about the destruction they have caused in people's lives. (Alfred, 2009, pp 248-249)

Part of the destruction resulting from welfare reform is the increased crime rate among women in poverty. Without the governmental safety net and confronted with low literacy, unemployment, mental health illness, drug addiction, racism, and as the single head of household, many women turn to economic crimes for financial support, thus accounting for the rise in incarceration among African American women.

Crime Control Laws and the Increase in Black Women's Incarceration

In 1973 New York State's Rockefeller Drug Laws called for a mandatory minimum sentence of 15 years to life term for anyone convicted of selling two ounces or possessing four ounces of heroin or cocaine, regardless of the offender's criminal history. Throughout the 1980s and 1990s, several states adopted similar laws. According to Sturr (2006), three strikes' laws that mandate long sentences for a third offense and truth in sentencing laws that reduce parole possibility have contributed to longer sentences and prison stays for nonviolent crimes. Indeed, one cannot ignore the role that race and racism plays in the prison boom. Currently, two-thirds of prisoners are Black or Latino whereas in the 1970s, only one-third of inmates were people of color. Mauer and Chesney-Lind (2002) argue, "One would be hard-pressed to demonstrate that the goal of policy has been to stem drug abuse among all Americans rather than to wage a war on communities of color, with nearly 80% of inmates in state prison for drug offenses being African-American or Latino" (p. 6). The limitations of the current neoliberal ideologies are played out in welfare offices and prisons alike. Low-income, low-literate women on welfare are routinely pushed into dead-end jobs through welfare-to-work programs that de-emphasize education in favor of service work that does not pay a living wage. Many prisoners are denied access to educational programs as budgetary cuts increasingly slash prison education programs. As Reynolds (2008) notes, "Essentially, neoliberal economic restructuring has created a surplus population of poor and unemployed citizens" (p. 83) and the answer for dealing with these individuals is mass criminalization and incarceration.

We know that imprisoned women have limited access to educational, work, and vocational programs and face overcrowding and oftentimes abusive environments. "Three-quarters have a history of drug or alcohol abuse, one-sixth a history of mental illness, and more than half the women inmates a history of sexual or physical abuse. Most prisoners are from poor or working-class communities, and two-thirds are racial and ethnic minorities" (Mauer & Chesney-Lind, 2002, p. 4). Yet it is important to remember that 1,600 women leave prison each day and re-enter society, and only 13% of them have any pre-release preparation for sustainable employment (Linck, 2005). With these grim statistics, how can we begin to address the needs of this growing segment of a population at risk? Society views education as the pathway to a promised future, but the research indicates that the pathway for those with a history of poverty, low literacy and incarceration is fraught with barriers.

Conclusions and Recommendations: The Need for Gender-Responsive Strategies

Although society has begun to recognize the increased presence of women in the criminal justice system, few models are available to guide the development of programs to address their needs (Alexander, 2009). According to Alexander, correctional agencies tend to adopt a one-size-fits-all philosophy and offer education and training programs based on the needs and characteristics of male offenders. Consequently, Sydney (2005) calls for gender-responsive

strategies in addressing the intersecting problems that contribute to women's incarceration. According to Bloom and Covington,

Gender-responsiveness involves creating an environment through site and staff selection and program development, content, and material that responds to the realities of women's lives and addresses participants' issues. Gender-responsive approaches are multidimensional and based on theoretical perspectives that acknowledge women's pathways into the criminal justice system. These approaches address social and cultural factors (e.g., poverty, race, class, and gender) and therapeutic interventions involving issues such as abuse, violence, family relationships, substance abuse and co-occurring disorders. These interventions provide a strength-based approach to treatment and skills building, with an emphasis on self-efficacy. (2000, p. 11)

We want to emphasize race, culture, and ethnicity as significant elements in such an approach. After all, there is a tendency to make gender visible at the expense of race and ethnicity and models based on White women's experiences to be prescribed for interventions with women of color. This is not the case with the gender-responsive approach prescribed here, as it addresses social and cultural factors such as poverty, race, class, and gender. It takes into account the social world of the individual and recognizes relational patterns and societal structures that hinder development. It is important, therefore, to consider women's issues when designing education programs for women, in and out of the criminal justice system.

In the spirit of putting women first, we draw from Alfred and Chlup (2009) to make the following recommendations to educators, program planners, administrators, and others involved in planning and implementing programs for low-literate and low-income adults, particularly those who are caught in the criminal justice system:

- Develop programs that consider the intersecting issues of trauma, abuse, educational level, addictions, substance abuse, and economic marginality.
- Encourage critical literacy programs that empower women to read both the word and their world.
- Make women's experiences the content of literacy education programs.
- Make education and literacy programs available to women in their neighborhoods, churches, community centers and other places where they have easy access.
- Consider that 70% of women inmates are mothers, so develop interventions that consider women's relationships to family.
- Provide ongoing counseling to help women combat drug addiction and mental health problems.
- Reconsider work-first programs, and instead, focus on the connections between education and well-paying jobs with affordable benefits.
- Develop micro-loan programs for women exiting prisons. Loans that the women repay, once they are able, to another woman leaving prison.
- Work with employers to develop work programs behind bars that are directly linked to specific jobs on the outside, so women can transition directly into a job once they are released.

In addition, we need to reframe societal discourse to demystify false assumptions that welfare recipients are irresponsible and lack motivation to work. We also need to unlearn the belief that all who have been arrested should be punished rather than rehabilitated. Those of us living outside of the walls of prison need as much education about the correctional system as

those living within its confines. As Chlup (2009) notes, “It is us who must move from teacher to learner to learned individual. There is much educating of closed hearts still to be done” (p. 34). In addition, we need to continue to tease out and tear down the societal structures contributing to low literacy, poverty, and crime.

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